

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

STEVEN M. DENENBERG,

Plaintiff,

vs.

BORKO B. DJORDJEVIC,

Defendant.

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8:07CV150

ORDER

This matter is before the court on the defendant's declaration ([Filing No. 30](#)) filed in response to this court's June 5, 2008 Order granting a sixty-day stay of proceedings. See [Filing No. 29](#).

The June 5, 2008 Order was entered in response to the defendant's letter motion to stay proceedings ([Filing No. 25](#)). The defendant filed the letter in an attempt to unilaterally comply with the planning report requirement of [Fed. R. Civ. P. 26\(f\)](#). The defendant stated he did not receive any communication from the plaintiff's counsel regarding the planning report. Further, the defendant, who is proceeding pro se, stated he has been in Kosovo, Serbia, since November 2007, and is not expected to return to the United States until December 2008. For this reason, the defendant asked that the matter be stayed until January 2009.

The plaintiff opposed the stay. See [Filing No. 28](#). The opposition states, in its entirety:

COMES NOW the Plaintiff and objects to a continuation of the above case for the reason that Defendant has failed to verify or confirm any document, affidavit, evidence, index of evidence or otherwise that he is unable to defend the above-captioned case and cannot leave Kosovo.

*Id.*

On April 20, 2007, the plaintiff filed the instant action for copyright infringement based on images contained on an internet Web site. See [Filing No. 1](#). The defendant filed a motion to dismiss the action on July 17, 2007. See [Filing No. 9](#). On December 18, 2007, the court denied the motion to dismiss. See [Filing No. 19](#). On January 24, 2008, the plaintiff filed a motion for default judgment. See [Filing No. 20](#). Thereafter, the defendant

filed an answer and an affidavit stating he had been continuously outside this country since mid-November 2007, and had not yet returned. **See** [Filing No. 22](#). On March 31, 2008, the court denied the plaintiff's motion for default judgment. **See** [Filing No. 23](#). On April 1, 2008, the court entered a deadline of May 12, 2008, for the parties' planning conference report. **See** [Filing No. 24](#). No scheduling order has yet been entered in this matter.

In the June 5, 2008 Order, the court granted a stay for sixty days, noting the court would re-examine the decision to stay proceedings after review of additional materials received from the defendant. Specifically the court required the defendant to file "a sworn statement as to his present immigration status in Kosovo and the purpose for his visit." **See** [Filing No. 29](#). The defendant stated he is a citizen of Serbia, traveling on a Serbian passport. **See** [Filing No. 30](#). The defendant did not explain the purpose for his visit or give any additional details. The plaintiff did not file any response to the defendant's filing.

Under the circumstances, the court will continue the stay an additional sixty days. However, the defendant shall provide additional information to the court. Specifically, the defendant shall keep the court apprised of his location and ability to proceed with this matter. Upon consideration,

**IT IS ORDERED:**

1. The stay in this case shall continue another sixty days.
2. **On or before October 3, 2008**, the defendant shall file with the Clerk of Court a sworn statement as to his ability to proceed with this case.

DATED this 20th day of August, 2008.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge